

# House Daily Reader

# Friday, February 03, 2006

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# State of South Dakota

EIGHTY-FIRST SESSION  
LEGISLATIVE ASSEMBLY, 2006

562M0376

## SENATE JUDICIARY COMMITTEE ENGROSSED NO. **HB 1065** - 01/30/2006

Introduced by: Representatives Van Etten, Cutler, Gillespie, Hackl, Haley, Hennies, Hunt, Jensen, Michels, Murschel, O'Brien, Roberts, Sebert, Tornow, and Van Norman and Senators Duenwald, Abdallah, Broderick, Duniphan, Gray, Hanson (Gary), Koskan, Lintz, Moore, and Peterson (Jim)

1 FOR AN ACT ENTITLED, An Act to extend immunity to certain directors, trustees, committee  
2 members and officers of certain nonprofit corporations and to members of certain advisory  
3 boards.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That § 47-23-2.1 be amended to read as follows:

6 47-23-2.1. No director, trustee, committee member, or officer serving without compensation,  
7 other than reimbursement for actual expenses, of any corporation organized under this chapter  
8 or under similar laws of another state, and which is exempt from taxation pursuant to Section  
9 501(a) of the Internal Revenue Code, 26 U.S.C. Section 501(a) and is listed as an exempt  
10 organization in Section 501(c) of the Internal Revenue Code, 26 U.S.C. Section 501(c), ~~as~~  
11 ~~amended~~, or any hospital organized pursuant to chapter 34-8, 34-9, or 34-10 is liable, and no  
12 cause of action may be brought, for damages resulting from the exercise of judgment or  
13 discretion in connection with the duties or responsibilities of such director, trustee, committee  
14 member, or officer while acting in ~~his~~ an official capacity as such director, trustee, committee



1 member, or officer, unless the act or omission involved willful or wanton misconduct. The  
2 immunity provided by this section applies to any member of an advisory board, serving without  
3 compensation, other than reimbursement for actual expenses, of any corporation described by  
4 this section.

# State of South Dakota

EIGHTY-FIRST SESSION  
LEGISLATIVE ASSEMBLY, 2006

367M0506

SENATE JUDICIARY COMMITTEE ENGROSSED NO.

**HB 1074** - 01/30/2006

Introduced by: Representatives Cutler, Dykstra, Faehn, Haley, Hennies, Krebs, McCoy, Michels, and Murschel and Senators Schoenbeck, Abdallah, Adelstein, Duniphan, Kelly, Koetzle, McCracken, Moore, and Olson (Ed)

1 FOR AN ACT ENTITLED, An Act to provide for recognition of certain stalking or physical  
2 violence protection orders as foreign domestic violence orders.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 25-10-12.1 be amended to read as follows:

5 25-10-12.1. Any domestic violence protection order, or any stalking or physical violence  
6 protection order, issued by a court of competent jurisdiction of another state, Indian tribe, the  
7 District of Columbia, or a commonwealth, territory, or possession of the United States is  
8 enforceable as if the order was issued by a court in this state if all of the following requirements  
9 are satisfied:

10 (1) The respondent received notice of the order in compliance with requirements of the  
11 issuing jurisdiction;

12 (2) The order is in effect in the issuing jurisdiction;

13 (3) The issuing court had jurisdiction over the parties and the subject matter;

14 (4) The respondent was afforded reasonable notice and opportunity to be heard sufficient



1 to protect that person's right to due process. In the case of ex parte orders, notice and  
2 opportunity to be heard must have been provided within the time required by the law  
3 of the issuing jurisdiction; and, in any event, within a reasonable time after the order  
4 was issued, sufficient to protect the respondent's due process rights;

5 (5) If the order also provides protection for the respondent, a petition, application, or  
6 other written pleading was filed with the issuing court seeking such an order and the  
7 issuing court made specific findings that the respondent was entitled to the order; and

8 (6) The prohibited conduct violative of the foreign protection order could be prohibited  
9 by a protection order if issued in this state.

10 Any protection order meeting the requirements of this section is a foreign domestic violence  
11 protection order.

# State of South Dakota

EIGHTY-FIRST SESSION  
LEGISLATIVE ASSEMBLY, 2006

336M0588

## HOUSE STATE AFFAIRS COMMITTEE ENGROSSED NO. **HB 1113** - 01/30/2006

Introduced by: Representatives Deadrick and Rhoden and Senators Earley and Bogue

1 FOR AN ACT ENTITLED, An Act to exempt claims related to wildland fire operations outside  
2 the state from certain workers' compensation provisions.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 62-1-5.2 be amended to read as follows:

5 62-1-5.2. Any firefighter who is a member of any county, municipal, special purpose district,  
6 township, or private nonprofit corporation operating as a fire department that has on file a  
7 cooperative fire suppression agreement with the South Dakota Department of Agriculture, and  
8 has been approved by the governing body for assignment to the state, is eligible for workers'  
9 compensation benefits from the state if injured during a period of time commencing from the  
10 time dispatched by the secretary of agriculture or the secretary's designee until the time the  
11 firefighter returns to the location from which the firefighter was originally dispatched by the  
12 secretary of agriculture ~~or the secretary's designee~~. In the event of injury or death, the firefighter  
13 shall, for the purpose of computing compensation, be considered to be earning a wage that  
14 would entitle that person to the maximum compensation for death or injury allowable under this  
15 title; but in no event may payments to any firefighter exceed the maximum limitations for



1 benefits as set out in this title.

2 For purposes of determining compensation any remuneration received by a member who  
3 voluntarily serves the department may not be considered.

4 No firefighter under this section may be deemed a state employee for any purpose other than  
5 eligibility to receive workers' compensation from the state under this section.

6 Eligibility for state workers compensation benefits provided by this section does not apply  
7 if a firefighter's claim arises from services rendered while dispatched to a wildland fire outside  
8 the State of South Dakota, unless the fire is a threat to resources within South Dakota.

# State of South Dakota

EIGHTY-FIRST SESSION  
LEGISLATIVE ASSEMBLY, 2006

497M0157

## HOUSE EDUCATION COMMITTEE ENGROSSED NO. **HB 1160** - 01/31/2006

Introduced by: Representatives Brunner, Elliott, Hackl, Hennies, Hills, Lange, McCoy, Nelson, Novstrup, Rave, Roberts, Schafer, Street, Tornow, and Weems and Senators Kooistra and Nesselhuf

1 FOR AN ACT ENTITLED, An Act to provide additional state funding to school districts that  
2 offer certain services and opportunities to students receiving alternative instruction.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 13-13 be amended by adding thereto a NEW SUBDIVISION to read as  
5 follows:

6 In addition to the funds from the foundation program fund distributed to schools according  
7 to the provisions of §§ 13-13-10.1 to 13-13-41, inclusive, a school district is entitled to  
8 additional funds in an amount equal to twenty-five percent of the per student allocation as  
9 defined in subdivision 13-13-10.1(4) for every student who resides in the district and is  
10 receiving alternative instruction as set forth in § 13-27-3. However, a school district may only  
11 receive the funding set forth in this section if the district provides the student with the  
12 opportunity to participate in interscholastic activities pursuant to § 13-36-7 and also makes  
13 available to the student other services provided by the school.

14 In order to receive this funding, a school district shall apply on forms provided by the





1 Department of Education. The Department of Education may promulgate rules pursuant to  
2 chapter 1-26 to establish application procedures, timelines, and procedures for determining  
3 funding eligibility.

# State of South Dakota

EIGHTY-FIRST SESSION  
LEGISLATIVE ASSEMBLY, 2006

760M0659

HOUSE JUDICIARY COMMITTEE ENGROSSED NO.

**HB 1186** - 02/01/2006

Introduced by: Representatives Murschel, Elliott, Hunt, Jensen, Michels, and Rave and  
Senators Gray, Abdallah, Dempster, Gant, Kooistra, and Sutton (Dan)

1 FOR AN ACT ENTITLED, An Act to provide a procedure for implementing the standard  
2 visitation guidelines.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 25-4A be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 Any person entitled, by court order, to visitation or custody may request the court to enter  
7 an order implementing the standard visitation guidelines. The request shall be in writing, but  
8 no particular formality is required by the moving party. Upon receipt of the written request, the  
9 court shall serve a copy of the standard guidelines upon both parties by first class mail and shall  
10 conduct an expedited hearing as soon as practical. Based upon the evidence presented at the  
11 hearing, the court may order the parties to abide by the standard visitation guidelines or may  
12 order any other relief as it deems appropriate.



# State of South Dakota

EIGHTY-FIRST SESSION  
LEGISLATIVE ASSEMBLY, 2006

751M0527

HOUSE JUDICIARY COMMITTEE ENGROSSED NO.

**HB 1205** - 02/01/2006

Introduced by: Representatives Deadrick, Cutler, Gillespie, Haley, Michels, and O'Brien and  
Senators Gray, Bogue, Knudson, Koetzle, and Schoenbeck

1 FOR AN ACT ENTITLED, An Act to provide for an exemption to the records search fee for  
2 attorneys of record.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 16-2-29.5 be amended to read as follows:

5 16-2-29.5. The clerk of court shall charge a records search fee in the amount of fifteen  
6 dollars for each record search conducted if the search is requested by a person who is not a party  
7 named in the action for which the search is being requested. The clerk shall charge a fee of five  
8 dollars if the requesting party certifies that the search is being requested in conjunction with a  
9 pending state or federal cause of action. A separate fee shall be charged for each name, whether  
10 individual or corporate, for which a search is requested. The clerk shall deposit the fee in  
11 accordance with § 16-2-43. The clerk may not charge a records search fee if the search is  
12 requested by an attorney or the attorney's staff.

